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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/277,213 03/26/99 KOBAYASHI

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LM02/0607

SAMSON HELFGOTT
HELFGOTT & KARAS
350 FIFTH AVENUE SUITE 6024
NEW YORK NY 10118

EXAMINER

HQM, S

ART UNIT

PAPER NUMBER

2732

DATE MAILED:

06/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/277,213

Applicant(s)

Kobayashi et al.

Examiner

S. How

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3.26.99 & IDS of 4.7.99
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-91 is/are pending in the application.
- Of the above claim(s) 1-40, 56-91 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 41-55 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4, 5
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Priority

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

Drawings

2. Figures 898-913 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

4. The Abstract of the Disclosure is objected to because in line 4 before the acronym "BOM," insert ---Beginning of Message--
-; in line 5 before the acronym "L3-PDU," insert ---layer-3

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protocol data unit---; in line 11 before "COM," insert --- continuation of message---; and in line 14 before "EOM," insert --end of message--- for clarity. Correction is required. See M.P.E.P. § 608.01(b).

5. The disclosure is objected to because of the following informalities: pages 16, 17, and 915 are missing. Although the missing pages appear to be present in the co-pending application no. 08/518,110, the specification is also too lengthy and therefore is difficult to examine, manage, and costly to print. The examiner suggests reducing the number of pages in the specification to that which is necessary only to support the claims.

6. In page 36, line 1, delete brackets around title, "Brief Description of the Drawings." In pages 36-120 delete "[Figure]" and insert ---Fig.--- for Figs. 1-913.

Appropriate correction is required.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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Claim Objections

8. Claim 41 is objected to because of the following informalities: In claim 41 line 4 which recite "a intra-station device" is not clear as to whether it is reciting ---said intra-station control device--- or what. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. Claims 41-50 and 52-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 41-55 which claim the intra-station control device lack clear antecedent basis and is not clear as to where in the specification is the support for said device provided. In claim 42 line 6 and claim 43 line 5 which recite "the data format" is not clear as to whether it is reciting "the data format of the control information" or "the data format of the link access protocol" or another data format. In claim 44 line 14 which recite "a receiving equipment" is not clear as to

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whether it is reciting ---said receiving equipment--- as in claim 43 line 9. In claim 44 line 8 which recite "the subscribed data" is not clear as to whether it is reciting ---the subscriber data--- as in claim 44 line 5. In claim 44 line 6 which recite "the data" is not clear as to whether it is reciting ---said received data--- as in claim 44 line 4. In claim 45 lines 7-8 which recite "a control information cell" is not clear as to whether it is reciting ---said control information cell--- as in claim 45 line 2. In claim 41 line 4 which recite "an intra-station device" is not clear as to whether it is reciting ---said intra-station control device--- or what. In claim 45 line 3 and claim 49 lines 4-5 which recite "a control device" is not clear as to whether it is reciting ---said intr-station control device-- or another control device. In claim 52 line 8 which recite "a switch network" is not clear as to whether it is reciting ---said switch network as in claim 52 lines 4-5. In claim 54 line 7 which recite "an inter-station loopback test" is not clear as to whether it is reciting ---said inter-station loopback test--- as in claim 53 line 6. In claim 55 line 5 which recite "a loopback test" is not clear as to whether it is reciting ---said loopback-- as in claim 51 line 5. In claim 50 line 3 which recite "a device" is not clear as to whether it is reciting ---of another device--- or what.

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Claims 46-48 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claim 45.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

11. Claims 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai et al.

Lai et al. disclose all the subject matter now claimed. Note col. 4 lines 36-64 which recite extending the frame format for data transmission based upon the LAP-D, i.e. link access procedure-D protocol, with flow control fields clearly anticipate the means for communicating control information according to a data format of a link access protocol as in claim 41. Fig. 1 which shows the FR DTE 32 and col. 3 line 52 col. 4 line 2 which recite that the Frame Relay (FR) DTEs 32 provides Frame Relay connectivity to the Token Ring and Ethernet LANs 20, 22 whereby

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the FR DTE is a communications controller, a router, or a channel extender clearly anticipate the intra-station control device including the control processor for controlling operations in the exchange station as in claim 41. Fig. 9 which illustrates the data transfer from the Source FR DTE to the Destination FR DTE whereby at 186, frame relay frames are conveyed to the terminal adapter and because this is an SVC data frame, the Command field will compromise the SVC Data command, at 188, the SVC data frame is converted to ATM cells, the ATM cells are forwarded to the Destination FR DTE at steps 190 and 192 and, at 194, where they are reassembled and converted back to a frame relay frame and conveyed to the Destination FR DTE clearly anticipate the means for converting the data format of the control information between data format of the link access protocol and data format processed by the exchange station, and control information being communicated through the exchange station as in claim 42. Further, col. 5 lines 41-52 which recite the ATM cell includes a Routing Field comprising a virtual path identifier (VPI) and a virtual channel identifier (VCI) clearly anticipate the means for adding to the control information the routing information as in claim 43.

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12. Claims 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al.

Olson et al. disclose all the subject matter now claimed. Note Fig. 2 shows the packet switch including the RAM, ROM, and DMA interface and col. 8 line 51 to col. 9 line 34 which recite the packet switch receiving the session level information, converts it into one or more packets and transmits the packets out over one of the remote links toward the destination node specified by the session level information provided by host RAM including means for storing various items of status and control information clearly anticipate the intra-station control device for switching cells comprising direct memory access means for writing and reading from a storage device, control information stored as in claim 45. Col. 11 lines 7-20 which recite the code stored at the header specifying the packet type and the logical channel identifier used for multiplexing purposes and indicates the logical channel of the physical link that is being used to transmit the packet and col. 12 lines 29-40 which recite sub-field including the address information specifying the node to which the packet is destined clearly anticipate the control information cell containing a command code and address data as in claim 46 and the multiplexing circuit as in claim 48. Fig. 6

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which shows the routing information in the alternate routing field clearly anticipate the control information cell being assigned routing information as in claim 47.

13. Claims 51, 52, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Emerson et al.

Emerson et al. disclose all the subject matter now claimed. Note col. 57 line 45 to col. 58 line 2 which recite the apparatus for testing an interactive network board in a LAN whereby a test program performs a LAN loopback test by returning the data which it has received and col. 2 line 51 to col. 3 line 5 which recite the processor requesting test data from the second test station, the second test station sending the test data to the processor, and a signal acknowledging receipt of the test data is sent to the first test station clearly anticipate the intra-sation control device for testing an exchange station comprising the software, the testing means according to a test program executed by a control device and loopback means for looping back test data transmitted as in claims 49, 51, and 55, the device checks for a fault as in claim 50, and the test cell inserting/extracting means for conducting the loopback test as in claim 52.

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Allowable Subject Matter

14. Claims 43, 53, and 54 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morita et al. disclose a maintenance communication control system in an ISDN service.

Oguchi et al. disclose a station arrangement in data transmission network.

Price et al. disclose a conversion of ISDN LAPB and ISDN LAPD frames.

16. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

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(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 308-5403, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist (703) 305-4700).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

SH

May 24, 2000



**DANG TON
PRIMARY EXAMINER**